

Notice of Allowability

Application No.

09/618,876

Examiner

Michael A. Marcheschi

Applicant(s)

ROSENFLANZ, ANATOLY Z.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 9/28/06.
2. ☒ The allowed claim(s) is/are 2-28,30-35,41 and 44-89.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Michael A. Marcheschi
Patent Examiner

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Greg Allen on 12/11/06.

The application has been amended as follows:

Claim 74, line 2, cancel the added limitation (added in the amendment of 9/28/06) "further comprises crystalline Al_2O_3 such that said eutectic".

The following is an examiner's statement of reasons for allowance:

Notwithstanding applicants arguments with respect to the abrasive particle and specified nominal grade limitations defined in the response filed 6/12/02, the examiner now finds the claimed invention to be novel over the cited reference because said references **fail to teach the specifically claimed eutectic composition of the instant claims**. Although the examiners previous rejections have been all based on the references as teaching the claimed eutectics, after further review of the references, the examiner interprets the reference teachings of a eutectic as that of a conventionally known eutectic (i.e. alumina/zirconia eutectic) and **not** a eutectic which is formed from any and all of the components defined in the broad listing according to the references. In other words, the prior art **does not** suggest that the claimed components

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(components of the independent claims) form a eutectic, thus the instant claims are novel with respect to the claimed eutectic composition.

Although in the previous office action dated 5/31/06, the examiner rejected claim 74 as being indefinite, after further review, the claim is definite (without applicants amendment) because it is defining that of the crystalline complex $\text{Al}_2\text{O}_3\text{-Y}_2\text{O}_3$, defined in claim 72, the complex is made up of two different crystalline complexes of $\text{Al}_2\text{O}_3\text{-Y}_2\text{O}_3$. Finally, applicants amendment to this claim (added in the amendment of 9/28/06) states that the eutectic further comprises crystalline Al_2O_3 , however, as is apparent from the last two line of this claim, no crystalline Al_2O_3 is present in the eutectic, thus this added limitation would constitute a new indefinite rejection if present in the claim and is therefore being canceled from the claim in view of the above remarks.

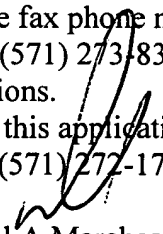
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A. Marcheschi whose telephone number is (571) 272-1374. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.

12/11/06


Michael A Marcheschi
Primary Examiner
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